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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,646	08/18/2000	Anthony J. Cipolla	13072	6936

7590 09/08/2004

Timothy J Haller
Niro Scavone Haller & Niro
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Chicago, IL 60602

EXAMINER

WILSON, JOHN J

ART UNIT	PAPER NUMBER
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3732

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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09062004

DATE MAILED:

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Commissioner for Patents

See attached page.

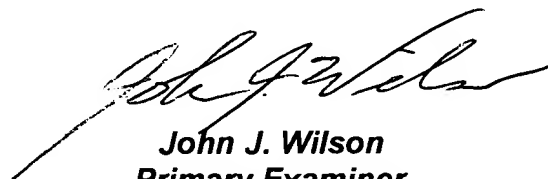
Art Unit: 3732

The amendment filed on June 21, 2004 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because they are drawn to a tooth illuminating apparatus including a positioner and a mouthpiece index which are directed to a distinct species as shown in Fig. 6. The invention, elected by original presentation, to a portable tooth whitening device including a mobile support does not include the features of the newly claimed species.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Conclusion

Any inquiry concerning this communication should be directed to John Wilson at telephone number (703) 308-2699.



John J. Wilson
Primary Examiner
Art Unit 3732

jjw

September 6, 2004

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Work Schedule: Monday through Friday, Flex Time